

Section 401., Title 14, CCR, is amended to read:

~~§401. Issuance of Permits to Kill Deer, Bear, Elk, Wild Pig, Gray Squirrel and Beaver Causing Damage:~~

~~(a) A permittee may kill deer, bear, elk, wild pigs, gray squirrels, or beaver in any manner except as otherwise herein provided and in accordance with the provisions of 465.5 of these regulations. No iron-jawed or any type of metal-jawed traps may be used to take gray squirrels or bear. No poison may be used. Firearms using .22 caliber rimfire cartridges may be used only when authorized by the regional manager, except that such firearms may be used to take gray squirrels without such authorization. The caliber and type of firearm to be used by each permittee shall be specified in each permit by the issuing officer who shall take into consideration the location of the area, the necessity for clean kills, the safety factor, local firearms ordinances, and other factors which apply. Rifle ammunition used shall have expanding bullets; shotgun ammunition shall have only single slugs except for taking gray squirrels.~~

~~(b) A permittee may only kill deer, bear, elk, wild pigs, gray squirrels, or beaver on the property described in the permit when such animals are doing or are immediately threatening damage:~~

~~(c) Both males and females may be killed during the period of the permit irrespective of hours or seasons and without regard to other hunting laws or regulations for taking of deer, bear, elk, wild pigs, gray squirrels, or beaver.~~

~~(d) The privilege granted in the permit may not be transferred and entitles only the permittee or his employees, or members of his family, all of whom must be 21 years of age or over, to kill deer, bear, elk, wild pigs, gray squirrels, or beaver.~~

~~(e) Any deer, bear, elk, gray squirrel, or beaver killed under the permit must be immediately tagged with the special tag furnished with the permit, both tags must be completely filled out and the duplicate mailed to the Department of Fish and Game, Sacramento, without delay.~~

~~(f) The carcass shall be transported to a location agreed upon between the issuing officer and the permittee, but in no case will a permittee be required to deliver a carcass beyond the limits of his property unless he is willing to do so. If the permittee and issuing officer cannot agree upon the location, the matter shall be referred to the regional manager of the region wherein the deer, bear, elk, gray squirrel, or beaver is killed and the latter's decision shall be final. Neither the permittee nor his assigns shall be permitted to use the meat of the deer, bear, elk, gray squirrel, or beaver. Beaver hides taken in accordance with this Section, Section 3003.1 of the Fish and Game Code, and Section 465.5 of these regulations may be sold under the provisions of a trapping license.~~

~~(g) Animals shall be killed in a humane manner so as to prevent any undue suffering to the animals. The permittee shall make every effort to kill the animals instantly and to prevent any injured animal from escaping:~~

~~(h) The department may require that a permittee may only take gray squirrels alive by the use of box traps. The department may designate areas where trapped gray squirrels shall be released.~~

~~(i) The permittee shall be required to field dress the animal, except beaver, and shall~~

~~take every reasonable precaution to prevent the meat from spoiling until disposed of in the manner agreed upon under subsection (f) of these regulations:~~

~~(j) All traps set for bear must comply with the following regulations:~~

~~(1) Trap or traps must be set within a pen with the entrance guarded by a cross-bar no more than 24 inches above the ground.~~

~~(2) Two signs, at least 8 x 10 inches in size, worded "DANGER--BEAR TRAP" must be posted within 15 feet on two sides of the trap.~~

~~(3) No trail or blind sets may be used.~~

~~(k) The permit does not invalidate any city, county, or state firearm regulation.~~

~~(l) Revocable permits may be issued in the name of the department by wardens or game management personnel. The form of the permit shall be prescribed by the department.~~

~~(m) Permits may be issued for a period not to exceed 60 days. Permits may be renewed only after a finding by the department that further damage has occurred or will occur unless such permits are renewed.~~

~~(n) Permits may be suspended temporarily by the director for a breach or violation of the permit by the holders thereof, their agents, servants, employees or any person acting under their direction and control. The commission shall be notified of any such suspension and subsequently may revoke or reinstate the permit, or fix the period of its suspension, after written notice to the permittee and the permittee has been afforded an opportunity to be heard.~~

~~Any person who has had their permit revoked or suspended by the commission shall be required, upon application for a new or subsequent permit, to appear before the commission and demonstrate to its satisfaction that the use of such a permit will be consistent with depredation control, with these regulations, and with the laws under which they are promulgated.~~

~~(o) The permit shall contain a statement signed by the applicant that he has read, understands, and agrees to be bound by all the terms of the permit.~~

~~(p) Special Depredation Permit:~~

~~(1) The department may issue special depredation permits to take wild pigs subject to the terms and conditions set forth in this subsection and Section 3003.1 of the Fish and Game Code where the department has determined that the following conditions exist:~~

~~(A) The applicant's property is located in an area in which wild pigs are causing significant damage to natural or cultivated lands or waterways, or wild pigs are significantly disrupting plant and animal communities, and the population is not adequately controlled by hunting; and~~

~~(B) The applicant's property is being damaged or destroyed, or is immediately threatened with damage or destruction by wild pigs.~~

~~(2) Only subsections (a), (c), (g), (k), (l), (n), and (o) of this Section 401 apply to special depredation permits issued pursuant to this subsection.~~

~~(3) Permittees shall notify the department by written report after the taking of any wild pig pursuant to a permit issued under this subsection. The reporting period shall be by calendar month. The written report shall be submitted to the department on or before the 15th day of each month for pigs taken in the preceding month. The report shall include the number of male and female pigs taken and the dates the pigs were taken~~

during the reporting period. The report shall be sent to the department at the address listed on the permit.

~~(4) Wild pigs taken pursuant to this subsection may be utilized by the permittee, but shall not be sold. Carcasses shipped from the premises shall be marked with the permittee's name, address, the date and location of the kill, and the signature of the permittee or designated agent as defined under subsection (6).~~

~~(5) The permittee or designated agent may leave the carcass where it was taken for reasons of high air temperatures, disease, parasites, or conditions which preclude use of the carcass. A person who makes every reasonable attempt to utilize the carcass shall be deemed to be in compliance with Section 4304 of the Fish and Game Code.~~

~~(6) The privilege granted in the permit allows the permittee and up to three designated agents to kill wild pigs. A designated agent may be any person who is acting under the direction and control of the permittee and who is 21 years of age or over. The designated agent(s) shall be named on the special permit. The permittee shall not be allowed to substitute designated agents without issuance of an amended permit by the department.~~

~~(7) Permits issued pursuant to this subsection shall be valid for a period not to exceed one year. Such permits may be renewed only after a finding by the department that the conditions set forth in this subsection continue to exist and that further damage or destruction will occur unless such permits are renewed.~~

#### §Section 401 Issuance of Permit to Take Animals Causing Damage.

(a) Application. A person who is a property owner or tenant may apply to the department for a permit to take elk, bear, beaver, wild pigs, deer, or gray squirrels that are damaging or destroying, or threatening to damage or destroy, land or property.

(b) Permit Period. Permits issued pursuant to this section shall be valid for a period not to exceed one year, except that permits for elk, bear, or deer shall not be valid for more than 60 days. Permits may be renewed if damage or threatened damage to land or property continues to exist.

(c) Form and Conditions of Permit. Applications shall be made on forms furnished by the department. The department may add terms and conditions to the permit necessary to protect wildlife and ensure public safety. The permit shall contain a statement signed by the applicant that he/she has read, understands, and agrees to be bound by all the terms of the permit.

#### (d) Methods of Take.

(1) Animals taken pursuant to a permit may be taken in any manner except as herein provided and in accordance with the provisions of Section 465.5 of these regulations. Permits to take deer shall include conditions that comply with Fish and Game Code section 4181.5. No iron-jawed or any type of metal-jawed traps may be used to take squirrels or bears. No poison may be used. The department may specify the caliber and type of firearm and ammunition, archery equipment or crossbow to be used based upon safety considerations. The department may require that a permittee take animals alive by the use of live traps.

(2) All traps set for bear must be set within a pen with the entrance guarded by a cross-bar no more than 24 inches above the ground. Two signs, at least 8 x 10 inches in size, worded "DANGER--BEAR TRAP" must be posted within 15 feet on two sides of

the trap. No trail or blind sets may be used for bear.

(3) The permittee and/or agent shall ensure that all animals are killed in a humane manner and shall make every effort to kill the animals instantly and prevent any injured animal from escaping.

(e) Government Employees and Designated Agents.

(1) An employee of a federal, State, or local government agency or local district with responsibilities including but not limited to animal control, animal damage control, irrigation, flood, or natural resource reclamation, while acting in his/her official capacity may take depredating animals on the property designated in a permit issued pursuant to this section.

(2) The permittee may designate up to three other persons as his/her agents to take animals under the terms of the permit. A designated agent shall be any person who is acting under the direction and control of the permittee and who is 21 years of age or older. The designated agent(s) shall be named on the permit. The permittee may substitute designated agents with prior written approval of the department.

(f) Persons Prohibited from Taking Animals. No person may take animals pursuant to the permit if he/she has been convicted of a violation related to the take or possession of game or furbearing mammals in the past 12 months or if he/she is on probation and may not hunt or possess a firearm as part of the terms of probation. A landowner who is on probation and may not hunt or possess a firearm as part of the terms of probation must designate a qualified agent to take animals under a permit.

(g) Written Report Required for Wild Pigs. The permittee shall provide a report listing the date and sex of each wild pig taken. A report shall be submitted whether or not any animals were taken. The reporting period shall be by calendar month. The permittee or designated agent shall complete and mail the report to the department on or before the 15<sup>th</sup> day of the following month. Reports shall be mailed to: Department of Fish and Game, Wildlife Programs Branch, 1416 Ninth St., Sacramento, CA 95814.

(h) Tagging Animals. All animals taken pursuant to a permit, except wild pigs, shall be immediately tagged with tags provided by the department. Wild pigs shall be tagged prior to being transported from the property designated in the permit. Tags for animals except wild pigs shall be completed at the time the animal is taken. Tags for wild pigs shall be completed before the wild pigs are removed from the property. Tags shall clearly show the permittee's name, address, date and location the animal was taken and shall include the signature of the person taking the animal.

(i) Utilization of Carcass. Animals taken pursuant to this permit must be disposed of as required in the permit. No animals, except wild pigs, may be utilized by the permittee or designated agent. The permittee or designated agent may leave the carcass of any wild pig where it was taken for reasons of high air temperatures, disease, parasites, or conditions which preclude use of the carcass. A person who makes every reasonable attempt to utilize the carcass of any wild pig as required in this subsection shall be deemed to be in compliance with Section 4304 of the Fish and Game Code.

(j) Suspension and Revocation of Permits.

(1) Permits may be suspended temporarily by the director for a breach or violation of the permit by the holders thereof, their agents, servants, employees or any person acting under their direction and control. The commission shall be notified of any such

suspension and subsequently may revoke or reinstate the permit, or fix the period of its suspension, after written notice to the permittee and the permittee has been afforded an opportunity to be heard.

(2) Any person who has had his/her permit revoked or suspended by the commission shall be required, upon application for a new or subsequent permit, to appear before the commission and demonstrate to its satisfaction that the use of such a permit will be consistent with depredation control, with these regulations, and with the laws under which they are promulgated.

(k) It is unlawful for a permittee or agent to violate any of the terms or conditions of a permit issued pursuant to this section.

(l) The permit does not invalidate any city, county, or state firearm regulation.

NOTE

Authority cited: Sections 202, 3003.1 and 4181, Fish and Game Code. Reference: Sections 3003.1 and 4181, Fish and Game Code.